

Office Action Summary

Application No.

09/532,235

Applicant(s)

ISHIGAMI, MASAHIRO

Examiner

Tanmay S Lele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15, 17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Arguments

1. Applicant's arguments filed 02 May 2003 have been fully considered but they are not persuasive.
2. In response to applicant's argument that "[Moon] does not disclose –said processing corresponding to a single click or a double click of a mouse", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claims 12, 19, and 20 Applicant attempts to overcome the rejection by stating, "[Moon] does not disclose –said processing corresponding to a single click or a double click of a mouse," and cites column 5, lines 20 – 26, as support. Note that in the specifically cited section, Moon states, "the human finger can be placed directly on the menu item choice of interest, which will have an identical effect as if a mouse or other pointing device were used to make the menu selection choice." Thus, Moon is detailing a method where selection is made by pointing to execute a function, just a mouse would be placed on an "OK" or "Cancel" button. Further evidence of this concept is provided in Moon, for example Figure 7 and column 7, lines 42 – 65. In this example, icons are added and removed as per Moon's invention. Note how the functions and steps detailed mimic those commonly performed with a mouse, wherein the pressing or touching of a spot on the display performs the associated action (and thereby corresponds to

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“processing [corresponding] to a single or double mouse click”). Further note that as worded, the claim states “corresponding to a single *or* double click ” and thus in Moon, a command is processed when the selected button (in this example, “Add” or “Remove”) is touched or pressed, analogous to when a mouse presses the “OK” or “CANCEL” buttons, for example, when prompted. Hence, the Examiner is not persuaded by the Applicant’s argument that the references, when combined for the cited motivation, do not teach, recite, or suggest the features disclosed.

3. Applicant’s arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Regarding claim 17, Applicant attempts to overcome the rejection by stating, “[the cited columns] do not disclose, teach or suggest Japanese kanji characters.” As the claim read (and still currently reads after amending) “*at least one of*” would indicate only one of the claimed need be met. The cited passage from the previous Office Action (paper 6, pages 12 and 13) met at least the “Japanese kana” (evidenced through the passage, an example being column 28, line 61). Hence, the Examiner is not persuaded by the Applicant’s argument that the references, when combined for the cited motivation, do not teach, recite, or suggest the features disclosed.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 9, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior et al. (Prior, US Patent No. 6,349,220) in view of Moriya (Moriya, UK Patent Application GB 2, 328,343) and in further view of Moon et al. (Moon, US Patent No. 6,211,858).

Regarding claim 12, Prior teaches of a mobile terminal with an operation entry part and a display area on a front thereof, comprising: a touch panel provided on a back of the terminal to allow a user, while holding the terminal with a hand, to perform an entry operation with a finger of the hand holding the terminal; and a display screen displaying said recognized information, said display screen being disposed in said display area (column 1, lines 25 – 37 and seen in Figures 6a, 6b, 7a, and 7b) and Prior further teaches of further comprising a processor performing processing according to a position at which, or a manner in which, said user presses said touch panel (as seen in Figures 6a and 6b and starting column 4, line 47 and ending column 5, line 12)..

Prior does not specifically teach of a recognition device recognizing a hand-entered information entered from said touch panel.

In a related art dealing with a portable apparatus having an additional display on a second surface, Moriya teaches of a recognition device recognizing a hand-entered information entered from said touch panel (as seen in Figures 3 and 7 and detailed on page 7, lines 24 – 27, the abstract, and starting page 18, line 14 and ending page 19, line, 17; note that it is inherent to Moriya to have such a device as it is displaying hand-written characters; numerous chips

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available on the market at that time performed these functions, such as the NEC V832 microcontroller).

It would have been obvious to one skilled in the art at the time of invention to have included into Prior's touch panel, Moriya's hand-written entry means, for the purposes of effectively utilizing un-used areas on a handset to input or display data without compromising the portability and operability of the portable radio apparatus, as taught by Moriya.

Prior in view of Moriya do not specifically teach of said processing corresponding to a single-click or a double-click of a mouse.

In a related art dealing with a combined portable communications terminal, Moon teaches of said processing corresponding to a single-click or a double-click of a mouse (column 5, lines 20 – 40).

It would have been obvious to one skilled in the art at the time of invention to have included into Prior and Moriya's mobile phone touch pad device, Moon's processing commands, for the purposes of providing a mobile with a high resolution graphics display in order to make better use of the processing power available in the mobile, as taught by Moon.

Regarding claim 9, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 12. Moriya further teaches that wherein said information comprises hand-written character as seen in Figures 3 and 7 and detailed on page 7, lines 24 – 27, the abstract, and starting page 18, line 14 and ending page 19, line 17).

Regarding claim 13, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 12. Prior further teaches of further comprising a selecting device executing either at least one of selection, acceptance, and cancellation of an item displayed in said display

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area or a scroll of the display screen, according to a position at which, or a manner in which, said user presses said touch panel (column 1, lines 25 –47, Figures 6a and 6b, and starting column 4, line 47 and ending column 5, line 12).

Regarding claim 14, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 12. Prior further teaches comprising at least one switch on a front of said mobile terminal for controlling acceptance and cancellation of an entry operation through said touch panel, said switch each being provided at a position, when said user holds said mobile terminal with a hand, where the user can press the switch with a finger of the hand holding said mobile terminal (as seen in Figures 1, 6a, and 6b and column 3, lines 31 – 60).

Regarding claim 15, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 14. Prior further teaches wherein said at least one switch is disposed at a position that can be accessed by a finger other than an index finger of the hand, said position being on a front side or a side wall of the mobile terminal. (as seen in Figures 1, 6a, and 6b and column 3, lines 31 – 60).

3. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior et al. (Prior, US Patent No. 6,349,220) in further view of Moriya (Moriya, UK Patent Application GB 2, 328,343) and Moon et al. (Moon, US Patent No. 6,211,858) as applied to claim 12 above, and further in view of Armstrong et al. (Armstrong, US Patent No. 5,729,219).

Regarding claim 10, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 12. Prior in view of Moriya and Moon, do not specifically teach of further comprising: a detection device detecting a touch operation when said user touches and strokes

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said touch panel and for moving information or a pointer according to a movement of said finger on said touch panel, said information and said pointer being displayed by said display.

In a related art dealing with a selective call radio with contra-posed touch pad, Armstrong teaches of further comprising: a detection device detecting a touch operation when said user touches and strokes said touch panel and for moving information or a pointer according to a movement of said finger on said touch panel, said information and said pointer being displayed by said display (as seen in Figures 1 – 6 and column 3, lines 22 – 52).

It would have been obvious to one skilled in the art at the time of invention to have included into Prior, Moriya, and Moon's device, Armstrong's pointer motion, for the purposes of effectively controlling the movement of a pointer appearing on the display identical to the scale of movement on the display, as taught by Armstrong.

Regarding claim 11, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 12. Prior in view of Moriya and Moon, do not specifically teach of further comprising: pointer device configured to move the pointer to a predetermined position according to the movement of said finger on said touch panel when said user strokes said touch panel with the finger and, when the user presses said touch panel in this state, to scroll the display screen in said display area vertically or horizontally.

In a related art dealing with a selective call radio with contra-posed touch pad, Armstrong teaches of further comprising: pointer device configured to move the pointer to a predetermined position according to the movement of said finger on said touch panel when said user strokes said touch panel with the finger and, when the user presses said touch panel in this state, to scroll

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the display screen in said display area vertically or horizontally (as seen in Figures 1 – 6 and column 3, lines 22 – 52).

It would have been obvious to one skilled in the art at the time of invention to have included into Prior and Moriya's device, Armstrong's pointer motion, for the purposes of effectively controlling the movement of a pointer appearing on the display identical to the scale of movement on the display, as taught by Armstrong.

4. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior et al. (Prior, US Patent No. 6,349,220) in further view of Moriya (Moriya, UK Patent Application GB 2,328,343) and Moon et al. (Moon, US Patent No. 6,211,858) as applied to claim 12 above, and further in view of Kisaichi et al. (Kisaichi, US Patent No. 5,786,776).

Regarding claim 17, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 12. Both Prior and Moriya teach of wherein a type of the hand-entered information or hand-written character entered through said touch panel includes alphanumeric characters (as seen in Figure 7 of Moriya and detailed in column 1, lines 37 – 47 of Prior).

Prior in view of Moriya and Moon, do not teach [a type of the hand-entered information or hand-written character entered through said touch panel includes] at least one of Japanese kana syllabary, kanji.

In a related art dealing with character input into a cellular telephone, Kisaichi teaches of [a type of the hand-entered information or hand-written character entered through said touch panel includes] at least one of (a) Japanese kana syllabary, (b) Japanese kanji, and (c) alphanumeric characters (Figure 25, and starting column 28, line 61 and ending column 29, line 67).

It would have been obvious to one skilled in the art at the time of invention to have included into Prior, Moriya, and Moon's mobile touch pad, Kisaichi's Kana entry, for the purposes of using the phone in the Far East (and hence be able to display or enter names or address in Japan), as taught Kisaichi.

Regarding claim 19, Prior in view of Moriya and Moon, teach all the claim limitations as recited in claim 8. Moon further teaches of comprising a recognition device recognizing graphic information from a locus of the graphic, when graphic information is entered through said touch panel (column 5, lines 20 – 60; as seen in Figures 3 and 4).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior et al. (Prior, US Patent No. 6,349,220) in view of Moriya (Moriya, UK Patent Application GB 2,328,343) in view of Moon et al. (Moon, US Patent No. 6,211,858) as applied to claim 19 above, and further in view of Capps et al. (Capps, US Patent No. 5,583,833).

Regarding claim 20, Prior in view of Moriya and Moon, teach all the claimed limitations as recited in claim 19. Prior in view of Moriya and Moon do not teach of further comprising an arrangement of a minute hand and a hour hand of a clock from the graphic information to provide time information from said entered locus.

In an analogous art dealing with setting an analog clock on a computer system, Capps teaches of further comprising an arrangement of a minute hand and a hour hand of a clock from the graphic information to provide time information from said entered locus (as seen in Figures 3 and detailed in column 2, lines 21 – 50).

It would have been obvious to one skilled in the art at the time of invention to have included into Prior, Moriya, and Moon, mobile touch pad graphical display, Capps'

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pen/stylus/touch pad based analog clock setting mechanism, for the purpose of easily setting time with a pointer, as taught by Capps.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Ketola	US Patent	6,112,099	Terminal Device for Using Telecommunication Services
Pisutha-Armond	US Patent	5,745,116	Intuitive Gesture-Based Graphical User Interface

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Tanmay S Lele
Examiner
Art Unit 2684

tsl
July 1, 2003


NAY MAUNG
PRIMARY EXAMINER